



FW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Patent Office Board of Appeals

APPLICANT: F. D. Oberhaus
SERIAL NO: 10/676,980
FILED: October 1, 2003
FOR: Componentry Assembled Free
Standing Wire Rack

GAU: 3637
EXAMINER: S.L. Purol
St. Louis, Missouri
Date: February 16, 2009
DN: 7349

I hereby certify that this correspondence is being deposited with the
U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Attorney

Date of Signature

Director, Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUBMISSION OF CORRECTED
SUMMARY OF CLAIMED SUBJECT MATTER
IN BRIEF UPON APPEAL

Sir:

Applicant herein submits pages five and six, as corrected, as directed by the examiner, in the Office Action dated February 3, 2009.

It is believed that the summary, particularly with respect to the identification of the components of the independent claim 14, are very clearly set forth in that opening paragraph of the summary, as submitted.

Respectfully submitted,

Paul M. Denk
Attorney for Applicant
Pat. Off. Reg. No. 22,598
763 South New Ballas Road, Ste. 170
St. Louis, Missouri 63141
(314) 872-8136

PMD/jk

V. Summary of the Claimed Subject Matter

Claim 14:

This invention relates to a componentry assembled free standing wire rack 1 (p.6, l.3) which includes a pair of end frames 2 and 3 (p.6, l.4) with each end frame incorporating at least one cross rod 59 (p.6, l.14) which are arranged horizontally within the structure, with the cross rod of each end frame being fixed at the same relative height, horizontally across the end frame, which respect to each end frame provided in the wire rack. The reason for this is to provide horizontal support for the shelving 4 (p.6, l.12), with each shelving provided for inserting partially within the end frames, the same that each end of the wire rack, and for resting upon the horizontally disposed cross rods 5, as can be noted. This provides for shelving intermediate a pair of the spaced end frames, with each shelving upon insertion within the end frames being pressure biased downwardly within the end frames and resting upon their respective cross rods, when assembling the free standing wire rack. Each end frame is also provided with spaced vertical rods, as at 7 (p.6, l.13) with the cross rods connecting integrally across the pair of vertical rods in the wire rack assembly. Said shelving is provided for forced contact and pressure fitting between the vertical rods within each end frame, to add further stability in the erection of the free standing wire rack, when assembled. This componentry assembled free stand wire rack is structured for just that purpose, to free stand upon the base or floor of any facility in which it is used.

Claim 4:

Furthermore, in order to attain that pressure fitting of the shelving between the pair of vertical rods in each end frame, each shelving is structured from a pair of shelf forming rods 16 and 17 (p.7, l. 27) with the pair of end rod at each end having a space therein between approximating or slightly greater than the thickness of each vertical rod, to provide for that pressure biasing of the shelving within each end frame when erected into a free stand wire rack.

Claims 5 thru 8:

Claims, such as claim 5, also defines at least one brace 10 (p.6, l. 20) that is diagonally arranged across the back of the assembled free standing wire rack, connecting with the pair of end frames 2 and 3 of the structured shown rack. And, as set forth in claims 7 and 8, there may be a pair of such diagonal braces, that cross each other at their approximate mid-point to furnish a secure interconnection of the rack together, when assembled (p.6, l.23, et al.).

Claim 10:

Claim 10 also defines the use of connecting sleeves 9 (p.6, l. 16) that are applied to the upper ends of the vertical rods 6 and 7, and to the downward ends of the upper rod 8 (p.6, l. 15), in the assembly of these free standing wire racks.

Claims 11 and 12:

Obviously, as can be noted, the shelving may be rectangular configured, as shown in FIG 1, or the shelving may be square in configuration, as shown in FIG 5.

Claim 13:

In addition, each of the shelvings has bent down portions along both its front and back edges, as can be noted for the lower longitudinal rod 20 (p.8, l.11) and the shown upper longitudinal rods 18 (p.8, l. 9), which adds stability to the structured shelf, as it is located within the assembled wire rack.

What is significant, to this invention, is what is described in claim 4, and that is where each of these shelving have their pair of end rods 16 and 17, as previously described, and as noted in FIG 4, that embrace their contiguous vertical rods of each end frame, as noted at 6 and 7, that adds stability to the structural assembly of this interconnection between the shelving, and the end frames, when assembled. This can be seen in FIG 4. This is also specifically set forth in claim 4.

This generally defines the structure of the componentry assembled free standing wire rack of this invention.